

REMARKS

This Reply is set forth under appropriate subheadings for the convenience of the Examiner.

Amendments to Claims 18, 26 and 28-31

Claims 18, 26 and 28-31 have been amended to more clearly define that which Applicants regard as the invention. Support for the amendments to Claims 18, 26 and 28-31 can be found in the specification. For example, page 3, line 23 through page 4, line 18; page 15, line 23 through page 16, line 5; and page 26, line 18 through page 17, line 3, describe the use of amphetamine alone or in combination methamphetamine in Applicants' methods, thereby providing support for amendments to Claims 18, 26 and 28-31.

No new matter has been added in the amendments to Claims 18, 26 and 28-31. Entry of the amendments to Claims 18, 26 and 28-31 is requested.

Rejection of Claims 18, 20-25, 28 and 29 Under 35 U.S.C. § 112, Second Paragraph

Claims 18, 20-25, 28 and 29 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The Examiner stated that when methamphetamine is "optionally" not selected in the method, the method is reasonably construed to mean that the composition administered is prepared without the presence of methamphetamine. The Examiner further stated, however, that the "wherein" clause requires the presence of methamphetamine in the composition and the inconsistency renders the claimed subject matter unclear. In addition, the Examiner stated that the terms are construed as meaning "the amphetamine is at least about 95 mole percent l-amphetamine relative to the total amphetamine content in the composition," as set forth in Claim 34.

Applicants' claimed invention, as set forth in Claims 18, 20-25, 28 and 29, as amended, is directed to, *inter alia*, a method of treating Alzheimer's disease in a human comprising the step of administering an effective amount of an amphetamine to the human, wherein the amphetamine is administered as a component of a composition that includes amphetamine and any

methamphetamine, wherein at least about 85 mole percent (Claims 18, 20-25, 28) or 95 mole percent (Claim 29) of the total amphetamine and methamphetamine content of the composition is l-amphetamine. Thus, if the composition administered to the human did not include any methamphetamine, an amphetamine composition administered to the human, “wherein at least about 85 [or 95] mole percent of the total amphetamine and methamphetamine content of the composition the composition administered to the human is l-amphetamine,” would be clear. Such a composition would have zero (0) mole percent methamphetamine and 85 or 95 mole percent l-amphetamine relative to the total composition of amphetamine.

Therefore, Claims 18, 20-25, 28 and 29 particularly point out and distinctly claim the subject matter which Applicants regard as the invention, thereby meeting the requirements of 35 U.S.C. § 112, second paragraph.

Rejection of Claims 18, 20-25, 28, 29 and 34 Under Obviousness-Type Double Patenting

Claims 18, 20-25, 28, 29 and 34 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 4, 17 21 and 23 of copending Application No: 11/305,495.

Upon resolution of the outstanding rejections, Applicants will consider filing a Terminal Disclaimer.

Rejection of Claims 18, 20-25, 28, 29 Under Obviousness-Type Double Patenting

Claims 18, 20-25, 28, 29 and 34 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-23 and 28-35 of U.S. Patent No: 7,244,769 and Claims 1-28 of U.S. Patent No: 6,828,351.

Upon resolution of the outstanding rejections, Applicants will consider filing a Terminal Disclaimer.

CONCLUSION

Claims 18, 20-25, 28 and 29, as amended, meet the requirements of 35 U.S.C. § 112, second paragraph. In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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